

APPROVED 4/20/04

# **TOWN OF WESTFORD**

## **PLANNING BOARD**

### **MINUTES**

**DATE:** March 29, 2004

**TIME:** 7:30 P.M.

**PLACE:** Westford Academy Choral Room

**PRESENT:** Peter Fletcher, Andrea Peraner-Sweet-arrived 7:45, Michael Green, Robert Shaffer, Fred Palmer

#### **OTHERS**

**PRESENT:** Tim Greenhill-Town Planner, Norman Khumalo-Asst. Town Manager, James Arsenault-Town Engineer, Audience Members

#### **OPEN FORUM**

**Texaco, Route 40** – Green asked for a status report. Greenhill reported that Staff will send Texaco another letter informing them of the violation on the site. Greenhill stated that the Town can assess fines and that he will be discussing the situation with the Building Commissioner. Green asked that the issue be addressed as soon as possible and noted that rain continues to wash out Oak Hill Road and undermine that roadway.

**Master Plan Implementation Committee (MPIC)** – Green reported that the MPIC took a vote a few weeks ago to recommend withdrawal of some of the warrant articles related to performance standards. Green also reported that the MPIC on March 25<sup>th</sup> recommended working toward Fall Town Meeting on the specific performance standards but will be making a report at the Annual Town Meeting in May. The MPIC asked the Planning Board for funds to get technical and professional assistance in reviewing the current performance standards and to get additional direction.

**It was moved by Green, seconded by Shaffer, and VOTED 4 in FAVOR WITH 1 ABSENT (Peraner-Sweet), to ask the Planning Board to solicit a Request for Proposal for consulting services related to performance standards for development.**

**It was moved by Green, seconded by Shaffer, and VOTED 4 IN FAVOR WITH 1 ABSENT (Peraner-Sweet), that the Zoning Articles for Performance Standards, Definitions from Major Commercial, Major Retail and Site Plan Updates be withdrawn from the Warrant.**

**FY04 Budget** – Palmer asked Greenhill if he had the procedure needed to roll over unspent funds for the MPIC to FY05. Greenhill stated that the Finance Department will require a letter prior to July 15<sup>th</sup> asking to roll over the funds to the next fiscal year. Green asked that Greenhill draft a letter for the Board's review at the next meeting.

**Site Walk for Weetamoo & Stony Brook Road** – Staff to schedule the site visits.

**101 Concord Road, Mark Herrmann – Plan Discussion** – Bob Herrmann was present seeking an opinion from the Board as to whether his lot is able to be subdivided as his son wishes to build a home on the subdivided property. Herrmann outlined a sketch of his property showing two lots with approximately 40,000 sq. ft. each. Herrmann stated that he would be seeking relief from the 50 ft. right-of-way to approximately 24 ft. and a waiver on the cul-de-sac. The Board asked Herrmann to show on paper that the property can support two lots. The Board also asked to check with the Fire Chief to see if there is a waiver regarding the width of right-of-way.

**Future Discussion Item** – Peraner-Sweet recommended a future discussion item regarding the interaction between Site Plan Review and Special Permits in order to provide direction to Staff and the Master Plan Implementation Committee.

### **PUBLIC HEARING – ZONING ARTICLE**

#### ***Water Resource Protection District, Open Public Hearing***

**It was moved by Peraner-Sweet, seconded by Shaffer, and VOTED UNANIMOUSLY, to open the public hearing.**

Greenhill addressed an updated plan showing the location of the Water Resource Protection Districts 1, 2 and 3. The map is an update of the existing map created by Dufresne-Henry, Inc. The district boundaries have been updated based on information from DEP and approved Data Layers and recognized public water supply wells. Shaffer asked that the title on the second map indicate the highlighted changes because the title is the same for the two maps. Greenhill reported that the disclaimer on the bottom of the plan will be removed relative to boundary disputes. **It was moved by Green, seconded by Shaffer, and VOTED UNANIMOUSLY, to close the public hearing.**

***It was moved by Green, seconded Peraner-Sweet, and VOTED UNANIMOUSLY, to recommend to Town Meeting acceptance of the new Water Resource Protection Districts 1, 2 and 3 map dated February 2004 for the Town of Westford and associated changes under the Water Resource Protection District Bylaw and for said map to become part of the Town's zoning bylaw; with the removal of the disclaimer.***

**It was moved by Green, seconded by Peraner-Sweet, and VOTED UNANIMOUSLY, to withdraw the motion.**

**It was moved by Green, seconded by Peraner-Sweet, and VOTED UNANIMOUSLY, to recommend to Town Meeting approval of the Zoning Bylaws under the Article in the public hearing notice which amends Section 8.1.3 Establishment of Districts and amends 8.1.8.2 in relation to an updated Water Resource Protection District 1, 2 and 3 Map, Town of Westford, dated February 2004, and also recommend the removal of the disclaimer on the said map regarding the use of this map.**

**PUBLIC HEARING – PRELIMINARY SUBDIVISION – 52 FLAGG ROAD**  
***52 Flagg Road, Mark Jenkins, Continued from February 17, 2004***

Anthony Ma, Howe Surveying Associates, proposed designating Lot 3 as open space in order to qualify as a flexible development. Ma stated that the existing house would be retained and a new septic system would be installed. Ma addressed the setback requirements as outlined in his letter dated March 25, 2004. Shaffer pointed out that the first step of flexible development is to prove that it works with a conventional. Relative to setbacks and frontage, Shaffer stated that he was still not convinced and felt that there were setback issues under a conventional. Greenhill asked the Board to continue the public hearing so that Staff can have an opportunity to review the revised plans. Green asked if the driveway access for one of the lots could be taken off the new roadway in order to provide flexibility in terms of the septic locations. Ma stated that he would look at that suggestion. Shaffer asked Ma to look at providing a no disturb buffer and to have that area clearly delineated on the plan.

William Ewers, 51 Flagg Road, asked for clarification regarding runoff and drainage. Ma addressed the proposed drainage. Peraner-Sweet pointed out that the Town Engineer still needed to review the plans.

Ken Gosselin, 69 Hildreth Street, pointed out a corner of the lot that currently gathers water. Gosselin stated that his 6-month old septic system already has drainage issues. Gosselin was concerned with increased runoff to his property. Gosselin asked for an estimate of the amount of fill that will be needed. Ma stated that he would have an estimate at the next meeting. Shaffer reminded Ma that the Board had concerns with the amount of fill coming onto the site and that the Board wanted to see, if possible, a balanced site without fill.

Richard Proulx, 53 Flagg Road, asked for clarification regarding the number of lots. Ma stated there will be the existing house and an additional single family residence.

Robert Gould, 48 Flagg Road, asked for clarification as to why there is a road rather than a driveway. Ma stated that they must create frontage for the lot. Fletcher stated that the 200 feet of frontage will be shown on paper but will not be built.

Paul Mahoney, 50 Flagg Road, asked for an explanation of “open space”. Fletcher stated that the land will be left in its natural state with no further development. The restriction of the land will be discussed at a future meeting. Mahoney felt that the some of the aspects from the earlier plan are still in the revised plan.

Continued to April 26, 2004 at 7:35 p.m. Ma to provide an extension.

**PUBLIC HEARING, CONTINUED, CHANGES TO SUBDIVISION RULES  
AND REGULATIONS 2003/2004**

***Public Hearing Continued from February 23, 2004***

The focus of the discussion was on the **Traffic and Pedestrian Safety Manual** which relates to Section 218-13 M – *Traffic Studies* of the proposed changes.

1) **Introduction.** Shaffer felt that the report must be introduced first describing the function of the manual. The Board concurred. Palmer asked for further discussion regarding the generation of 30 or more vehicle trips.

(b) Land Use, Site and Study Area Boundaries. Peraner-Sweet suggested revising paragraph 2, sentence 2, by deleting the word “*slightly*”.

(b) Existing and Proposed Site Uses. Peraner-Sweet suggested revising the section by substituting “*bylaws, rules and regulations*” for “*ordinances*”. Peraner-Sweet suggested revising paragraph 2 by deleting “*will be*” and replacing with “*shall be*”. The lettering of the Introduction to be corrected.

**(6) Capacity Analysis.** Peraner-Sweet suggested revising the first and second paragraph by substituting “*will be*” with “*shall be*”. Green suggested restating language in terms of intersections impacted. The Board suggested revising the second paragraph as follows: *The AM, PM, and any other peak period specified by the Engineering Department, shall be tested and analyzed as part of the capacity and analysis.* Shaffer asked that the third paragraph regarding capacity calculations be made clearer. Shaffer also asked for information regarding a 3-way stop sign intersections.

**(7) Level of Service.** Peraner-Sweet suggested revising the first sentence as follows: Level of Service “C” will be peak-hour design objective for all “*traffic*” movement... Peraner-Sweet was also concerned with the words “under no circumstances” as she felt that it did not allow the Board discretion in certain cases. Green wanted the requirements for Level of Service to be also made explicit under Performance Standards. Peraner-Sweet suggested that the Levels of Service be referenced from the particular traffic source. Shaffer asked that “TRB” Circular 212 Method be spelled out. Shaffer wanted the Town Engineer to certify the existing levels of service data when provided by the Town’s traffic consultant or a developer’s traffic consultant. The Board asked that the last sentence regarding maximum sums of critical land volumes be clarified.

**(8) Traffic Signals.** Peraner-Sweet asked to add the word “(*criteria*)” after the word “warrants”. Green asked that the paragraph 4 be clarified. Green asked that direction be provided in the paragraph 6 regarding where to find the current signal timing policies of the Town. Khumalo suggested removing “*must be*” and substituting “*may be*” in the last sentence of the paragraph 6. Peraner-Sweet revised paragraph 9 as follows: The green time allocated to the cross street *shall be* no less than the time...

**(9) Traffic Accidents.** Peraner-Sweet revised the second sentence in the first paragraph as follows: The study period shall be *the previous* three years... Peraner-Sweet suggested removing “*must be*” and substituting “*shall be*” in paragraph 2. Peraner-Sweet added “*as determined by the Town Engineer*” at the end of the first sentence of paragraph 2. Green asked for stronger language in paragraph 3.

**(10) Recommendations.** Peraner-Sweet suggested revising paragraph 2 by removing “*could*” and substituting “*can*”. Peraner-Sweet suggested revising the paragraph 3 by removing “*will*” and substituting “*shall*”. Shaffer suggested adding “*with mitigation*” at the end of sentence [4] (b). Green asked for stronger language in the last sentence under (b). Peraner-Sweet asked for clarification regarding “traffic impact fees” under (c) Traffic Volume Proportions. Peraner-Sweet suggested a notation regarding Table 11-1. Peraner-Sweet revised sentence [1] (d) ...the addition of 5 “*more*” peak-hour trips... Shaffer suggested adding “*5 or more trips*” on the E and F lines of the table. Shaffer asked that the table be clarified.

**(13) Technical Requirements of Final Report.** Peraner-Sweet suggested spelling out “TMA” and “ADT”. Shaffer revised paragraph 2 under (b) as follows: All assumptions used in the calculations *shall reference the* appropriate... Peraner-Sweet revised (c) by removing “*must be*” and substituting “*shall be*”. Peraner-Sweet revised (d) by removing “*Normally*” in paragraph 2. Green asked for further review of (f) regarding extensions to peak hours. Shaffer asked that “TSM” be spelled out. Peraner-Sweet asked for further review of (g) regarding guaranteed construction projects as certified by the Town. Shaffer revised (h) as follows: Geometric information in this report shall include but not be limited

to sight distance... Green asked for further review of (i) regarding documentation for traffic calming measures. The Board asked that MUTCD be spelled out. Shaffer asked to see more in the manual regarding pedestrian and bicycle circulation, and a section that addresses sidewalks and trails.

Continued to April 26, 2004 at 8:00 p.m.

**DISCUSSION ITEM – HUNT ROAD EXTENSION**

***Bentley Building Corp., Continued from March 15, 2004***

This item was withdrawn.

**PUBLIC HEARING – SITE PLAN REVIEW – (AMD) – KIMBALL'S FARM**

***400 Littleton Road, Michael S. Kimball, Open Public Hearing***

**It was moved by Peraner-Sweet, seconded by Shaffer, and VOTED UNANIMOUSLY, to open the public hearing.**

Mark Sleger, LANDTECH Consultants, and Ed Dumont of Kimball's Farms were present. Sleger was seeking an amendment to an amendment of a site plan. Sleger stated that the Planning Board approved an amendment of the site plan to increase the size of the building to 30'x60'. Sleger requested an amendment to increase the size of the building to 30'x75' for additional storage area for the kitchen preparation. Dumont stated that drinks, paper products, etc. would be stored in the building. Dumont indicated that equipment attachments will be stored in the building during the winter months. Shaffer wanted to be sure that the Board of Health was clear about the use of the building. Khumalo asked the applicant to provide the Board with general information regarding the scope of the activities taking place on the site and how this building relates to the overall master plan for the site. Khumalo also asked the applicant to address the safety and signage issues with regard to vehicular and pedestrian flows on Route 110. There was no input from the floor.

**It was moved by Peraner-Sweet, seconded by Shaffer, and VOTED UNANIMOUSLY, to close the public hearing.**

**It was moved by Green, seconded by Peraner-Sweet, and VOTED UNANIMOUSLY, to grant Site Plan Amendment to the applicant Michael S. Kimball for the expansion of the kitchen prep and storage building; said plan reflected is dated February 3, 2004; this is an amendment to an original Site Plan approval dated December 3, 1999; in accordance with the provisions in Staff Memo dated March 25, 2004; and also in accordance with the Board's decision on November 3, 2003 for the original structure with the conditions therein.**

**PUBLIC HEARING, CONTINUED – WESTFORD TECH PARK – SITE PLAN REVIEW, SPECIAL PERMITS**

***Concord/Power Roads, Westford West Realty Trust (Gutierrez), Continued from March 15, 2004***

Michael Holland, Symmes Maini & McKee, Doug Fainelli of Gutierrez Company, and Attorney Douglas Deschenes were present. Holland outlined the revisions to the site plan showing the trail and walkway systems, the removal of the Power Road exit, and landscaping details. Holland indicated that the applicant would be submitting a lighting plan that complies with the Zoning Bylaw and an alternative plan that meets the IES requirements. A variance from the bylaws will be sought from the Zoning Board of Appeals for the alternative plan.

Holland outlined the Project Reference Information relative to Buffers and Setbacks, Dimensional Regulations, Screening, Landscaping, Trails, Parking Standards, Water Resource Protection District, and Lighting.

Green asked Holland to include in the Project Reference Information the Recreation component of the site including access. Green also asked Holland to provide setback information regarding Buildings 3, 4 and 5. Green suggested a discussion of reducing curb cuts within the development near Buildings 4 and 5 for circulation improvement. Green asked that Holland expand on how the applicant would promote parking structures, i.e., marketing literature, etc. Shaffer asked for data regarding the amount of fill proposed for the site. Green recommended against the use of the large glass entrance areas to the buildings given the size of the buildings and the various view sheds. Peraner-Sweet stated that if glass is being used in the buildings, the inside lights need to be turned off at night or use tinted glass. Fainelli stated that the Energy Code now requires an automated lighting system in new buildings.

Melissa Faherty, 4 Rail Tree Terrace, stated that the plan showing 15% impervious surface has not been shown. Faherty felt that the Board should see everything in order to make an informed decision. Faherty wanted to see the setbacks (between the parking lots and the road) because the potential bypass road seems like the internal driveway for an office park. Faherty stated that the Town does not want to have a roadway looking like it is going through an office park. Faherty also requested information on the screening of the parking lot.

Ed Thomas, 10 Snow Drive, asked for clarification of the bypass road, driveway and setbacks. Holland stated that currently there is a parcel being set aside for a future roadway. Holland stated that there are two options for providing traffic mitigation, both of which are acceptable to Mass Highway. One option is to build the connector road and the alternative option of making the improvements to Route 110. Holland stated that the preferred road solution is the connector road. Holland stated that this project will donate the land for the connector road and spend the \$4M to build the connector road. Holland stated

that the applicant is proposing that it is not reasonable to also be set back 100 feet from land that the applicant is donating and land that is unclear as to whether or not will be a roadway. Thomas felt that the bypass road needed to meet the Town setback requirements.

Peter Ewing, Old Homestead Road, was concerned that the gravel areas on the site will continue to be gravel with no loam put on that area. Holland outlined the natural plantings proposed for the buffer zones around the wetlands pursuant to discussions with the Conservation Commission and the Commission's consultant. Ewing asked if the Netscout building would be connected to the roadway system. Holland stated that they will be re-filing for permits for Netscout including revisions to the roadway.

Michelle Hillman, 34 Colonial Drive, asked if it is the Planning Board that decides on the Route 110 improvements or the bypass road and when the decision would be made. Fletcher stated that it is the decision of the Planning Board and that a decision would be made in the near future.

Deschenes stated that the applicant has presented two alternative plans to address traffic (the development of the bypass road or improvements to Route 110). Deschenes stated that it is the position of the applicant that either of the alternatives provides adequate mitigation for traffic and that Mass Highway also feels that either plan will work. Deschenes felt that there are two possible situations that would have a dramatic impact on the ability to build the bypass. The first situation would be the Conservation Commission permits to allow the roadway to be built. The second situation is the other parcel of land that is not under the control of the applicant at this time. Deschenes stated that if it is impossible to build the bypass road, the applicant is prepared to make the Route 110 improvements. Deschenes asked the Board to craft a decision that includes both alternate plans.

Peraner-Sweet did not want to make a decision tonight relative to the bypass road until all interested parties, including the Board of Selectmen, are notified of the upcoming discussion. Peraner-Sweet asked for an opportunity to get some input from Staff regarding crafting a decision that includes both alternate plans as well as time to think about it. Green agreed with Peraner-Sweet's recommendation particularly in light of the phasing discussion and the direction from the Board of Selectmen. Shaffer asked that new information be presented at the next meeting rather than a reiteration of past information. Deschenes concurred with the Board's recommendation. Deschenes asked what other additional information was required by the Board. Shaffer was concerned with the phasing of the bypass particularly Phase III which he felt comes in late. Shaffer questioned whether traffic would be mitigated effectively on Route 110 for Phase I and II because the connection would not be completed. Peraner-Sweet suggested that the Board provide questions to Staff so that Staff can forward those to the applicant. Peraner-Sweet asked if the Police and Fire Departments reviewed the phasing plan. Peraner-Sweet



wanted additional information regarding lighting and recalled that the Town's Lighting Consultant suggested going to other sites with a light meter. Green asked for additional information regarding a view shed analysis and building definition in terms of lighting impacts.

Staff to invite the Board of Selectmen to a joint boards meeting on May 3, 2004 at 8:10 p.m. Continued to April 20, 2004 at 8:45 p.m. and April 26, 2004 at 8:10 p.m. (Cameron Senior Center).

### **MISCELLANEOUS:**

#### **Performance Bonds/Items for Signature**

Approval for extension of Site Plan Approval – 7 Lyberty Way

### **DIRECTOR'S REPORT**

**Westford Racquet and Fitness – Administrative Change** – Attorney Doug Deschenes was present for the applicant seeking approval of a minor site plan amendment to allow for a brick façade. **It was moved by Green, seconded by Peraner-Sweet, and VOTED UNANIMOUSLY, to authorize Staff to consider changes to Westford Racquet and Fitness Club, 4 Littleton Road, as administrative changes in accordance with submitted plans.**

**Brookside Mill Easements** – Greenhill reported that Brookside Mill is required to provide a sidewalk as part of the Site Plan Approval. The Town has been unable to obtain the remaining easement required for the sidewalk. The applicant has indicated that he would be willing to provide a sidewalk in front of his building and in front of the adjacent parcel as well as allocate the remaining budgeted amount into the Town Sidewalk Fund. Greenhill stated that this would be a change to Condition 4 of the Site Plan Review for the project and Condition 13 of the addendum to the Purchase and Sale Agreement. Peraner-Sweet pointed out that if the Board is adding or changing a condition, the public hearing needs to be re-opened. No action taken.

### **Mailbox**

**Letter from Attorney Paul Alphen re: Hitchin' Post Greens II Gift of Off-Site Sidewalk.** Greenhill reported that the applicant will complete the sidewalk up to 70 Concord Road (because the lot owners have failed to grant the easement). Greenhill indicated that he would contact the lot owners again to determine their willingness to grant an easement.

**MINUTES**

**It was moved by Green, seconded by Peraner-Sweet, and VOTED UNANIMOUSLY, to approve the minutes of March 1, 2004 with Staff edits on page 3.**

**It was moved by Green, seconded by Peraner-Sweet, and VOTED 4 IN FAVOR WITH 1 ABSTAINING (Shaffer), to approve the minutes of March 15, 2004, as amended.**

**ADJOURNMENT**

**It was moved by Green, seconded by Peraner-Sweet, and VOTED UNANIMOUSLY, to adjourn the meeting.**

Submitted by Beth Kinney, Recording Secretary